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FM AMEMBASSY JAKARTA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 9816
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY
RUEHBJ/AMEMBASSY BEIJING 5303
RUEHBY/AMEMBASSY CANBERRA 2909
RUEHLM/AMEMBASSY COLOMBO 1203
RUEHKA/AMEMBASSY DHAKA 1174
RUEHNE/AMEMBASSY NEW DELHI 2115
RUEHPB/AMEMBASSY PORT MORESBY 3921
RUEHUL/AMEMBASSY SEOUL 4818
RUEHKO/AMEMBASSY TOKYO 2371
RUEHWL/AMEMBASSY WELLINGTON 2958
RUEHBAD/AMCONSUL PERTH 1046
RUEHHK/AMCONSUL HONG KONG 2885
RUEKJCS/SECDEF WASHDC
RHHJJPI/USPACOM HONOLULU HI
RUEKJCS/Joint STAFF WASHINGTON DC
RUEAIIA/CIA WASHDC
RHEHNSC/NSC WASHDC
RHEFDIA/DIA WASHINGTON DC

C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 001564

SIPDIS

DEPT. FOR EAP, EAP/MTS, EAP/MLS, DRL, DRL/AWH
NSC FOR EPHU

E.O. 12958: DECL: 08/15/2018

TAGS: [PGOV](#) [KJUS](#) [ID](#)

SUBJECT: INDONESIAN MARINES CONVICTED IN LANDMARK HUMAN
RIGHTS CASE

REF: A. JAKARTA 207

[¶](#)B. 07 JAKARTA 2787 AND PREVIOUS
[¶](#)C. 07 SURABAYA 16

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Classified By: Pol/C Joseph L. Novak, reasons 1.4(b+d).

[¶](#)11. (U) This message was coordinated with Consulate General
Surabaya.

[¶](#)12. (C) SUMMARY: In a landmark case for human rights
accountability in the Indonesian military, Surabaya Military
Court sentenced 13 marines to prison on August 14 for the
shooting deaths of four civilians and wounding of eight
others in East Java in May 2007. The case was noteworthy
both because of the relatively swift execution of justice and
the transparent nature of the proceedings. Human rights
groups criticized the sentences as too light, although they
were within the sentencing guidelines for military courts.
The case highlights the need for military personnel to
receive more training on how to deal with civilians. END
SUMMARY.

[¶](#)13. (SBU) A BREAKTHROUGH FOR ACCOUNTABILITY: A major
military trial has concluded in Surabaya. The August 14
sentencing of 13 marines for last year's fatal shooting of
four villagers and wounding of eight others in a land dispute
clash in Pasuruan District (near Malang), East Java, is a
breakthrough in transparent justice for human rights abuses
committed by the Indonesian military.

[¶](#)14. (SBU) In the worst case of violence by military personnel
against civilians in several years, military leaders had
pledged soon after the incident that there would be justice
in the case (see reflets). They furthermore agreed with the
National Human Rights Commission, an independent body,
request that this and other such cases be tried in open court
proceedings (Ref A). The case was significant not only

because of the convictions but also because the results of the tribunal were made public. Prior to this case, military tribunals were not open to the press or public so that outcomes seldom came to light.

¶5. (SBU) Human rights activists told us that the sentences of between 18 and 42 months were too light for the crime. Still, they acknowledged that the punishment conformed with military sentencing guidelines. A civilian court would have handed down sentences of up to 15 years, they asserted. The heaviest sentence was given to the platoon leader, First Lt. Budi Santoso, the media reported. A human rights lawyer in Surabaya, East Java, said the sentences should have been heavier because he believed the shootings were intentional.

¶6. (C) MILITARY PERSPECTIVE: The military does not see things quite that way. An Indonesian military source close to the investigation told Mission's Marine Attaché last year that the Navy's investigation had revealed that the marines fired warning shots into the ground when confronted with angry villagers who were pelting them with debris; six marines were injured. The shots reportedly ricocheted off the ground, killing bystanders not involved in the protest (Ref B).

¶7. (C) Other human rights observers told us the root causes of the incident were the marine base being located among civilians and the marines being poorly trained to deal with conflicts with civilians. Police should have been responsible for controlling the dispute rather than marines. Long-standing land disputes are a leading cause of conflict between the security forces and civilians.

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¶8. (C) In a separate case of transparent accountability for crimes committed by the military, three soldiers from an Army battalion (Battalion 731) were sentenced to eight months in prison for attacking police headquarters in Central Maluku on February 2. The dispute was publicly explained by authorities as retaliation over a personal dispute.

¶9. (C) MORE TRAINING NEEDED: While the military needs to do more to account for past human rights abuses, these two cases mark a clean break with the past and a political willingness to end a culture of impunity. The military has committed few if any major human rights abuses in recent years. In the first one to come to light since the end of the conflict in Aceh, the military has taken swift action to punish the perpetrators. The best way the USG can support the military to prevent such events occurring in the future is to provide more training for the armed forces.

HUME